

T-Mobile

T-Mobile USA, Inc.
12920 SE 38th Street, Bellevue, WA 98006

DOCKET FILE COPY ORIGINAL

June 11, 2003

RECEIVED & INSPECTED

JUN 18 2003

FCC - MAILROOM

Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-A325
Washington D.C. 20554

RE: T-Mobile USA, Inc.
August 1, 2002 Form 499-Q Revision Rejection
Filer 499 ID: 822060
Docket Nos. 96-45 and 97-21

To Whom It May Concern:

On December 12, 2002 T-Mobile USA, Inc. sent a letter of appeal to the Universal Service Administrative Company (USAC) in response to the rejection of the revised 2nd Quarter 2002 form 499Q.

On April 18, 2003 USAC denied T-Mobile's appeal on grounds that the revised 2nd Quarter 2002 form 499Q was filed after the filing deadline of November 1, 2002.

T-Mobile USA, Inc. respectfully requests that the FCC review this matter. T-Mobile holds that the 2nd Quarter 499Q revision was filed timely as it was postmarked one day before the filing deadline and there is no mention in the regulation that the revision has to be received by the filing date.

For your ease of reference you will find enclosed copies of the following documents:

Revised 2nd Quarter 499Q with proof of the postmark date
1st letter of rejection of the revised 2nd Quarter 499Q from USAC
Letter of appeal from T-Mobile to USAC
Letter of denial of appeal from USAC to T-Mobile

Any questions regarding this appeal may be addressed to myself.

Sincerely,

C. Delafosse

Cassie Delafosse
Supervisor, State and Local Tax
T-Mobile USA, Inc.
Desk Phone: 425-378-4797
Fax : 425-378-5071
Email: Cassie.Delafosse@T-Mobile.com

No. of Copies rec'd 0
List ABCDE

FCC Form 499-Q Telecommunications Reporting Worksheet

>>> Please read instructions before completing <<<

RECEIVED - JUN 18 2003

FCC-MAILROOM

Approval by OMB
3060-0855

Block 1: Contributor Identification Information

101

Filer 499 ID

822080

102 Legal name of reporting entity	VoiceStream Wireless Corporation
103 IRS employer identification number	91-1983600
104 Name telecommunications service provider is doing business as	VoiceStream Wireless
105 Holding company [All affiliated companies should show same name here.]	
106 FCC Registration Number (FRN)	0006-9459-50
107 Complete mailing address of reporting entity's corporate headquarters	12920 SE 38th St. Bellevue, WA 98008

Block 2: Contact Information

108 Person who completed this worksheet	Terrance Perry
109 Telephone number of this person	(425) 378-5358
110 Fax number of this person	(425) 378-5071
111 E-mail of this person	Terrance.Perry@T-Mobile.com
112 Billing address and billing contact person: [Bills for Universal Service contributions will be sent to this address.]	VoiceStream Wireless Corporation Attn: Tax Department 12920 SE 38th St. Bellevue, WA 98008

Block 3: Contributor Revenue Information

113 Year of revenue information	2002
114 Indicate which quarterly filing this represents:	<input type="checkbox"/> First quarter filing (revenues for January 1 through March 31) due May 1 <input checked="" type="checkbox"/> Second quarter filing (revenues for April 1 through June 30) due August 1 <input type="checkbox"/> Third quarter filing (revenues for July 1 through September 30) due November 1 <input type="checkbox"/> Fourth quarter filing (revenues for October 1 through December 31) due February 1 of the following calendar year

Report billed revenues with no allowance or deductions for uncollectibles. See instructions.	Total Revenues (a)	Interstate Revenues (b)	International Revenues (c)
115 Revenues from telecommunications service provided to other universal service contributors for resale	62,207,630		
116 Universal service contribution base revenues	1,099,969,404	164,995,411	10,999,694
117 All other revenues	146,927,196	Column (b) and (c) not requested for Lines 117 and 118	
118 Gross billed revenues from all sources [sum of above]	1,309,104,230		

Block 4: CERTIFICATION: to be signed by an officer of the reporting entity

119 I certify that the revenue data contained herein is privileged and confidential and that public disclosure of such information would likely cause substantial harm to the competitive position of the company. I request nondisclosure of the revenue information contained herein pursuant to sections 0.459, 52.17, 54.711 and 64.804 of the Commission's Rules. ☒

I certify that I am an officer of the above-named reporting entity, that I have examined the foregoing report and to the best of my knowledge, information and belief, all statements of fact contained in this Worksheet are true and that said Worksheet is an accurate statement of the affairs of the above-named company for the quarter.

120 Signature	<i>H. Skip Comett</i>
121 Printed name of officer	H. Skip Comett
122 Position with reporting entity	V.P. of Taxation
123 Date	

124 This filing is: ☐ Original filing ☒ Revised filing [revisions due by next Form 499 filing date]

Do not mail checks with this form. Send this form to: Form 499 c/o NECA, 80 South Jefferson Road, Whippany, N.J. 07981

For additional information regarding this worksheet contact Telecommunications Reporting Worksheet Info: (973) 560-4460 or via e-mail: Form499@neca.org

BY FILING OR DEPOSITMENT UNDER TITLE 18 OF THE UNITED STATES CODE, 18 U.S.C. § 1001

FCC Form 499-Q
March 2002

COPY

see post mark

COPY



Universal Service Administrative Company

December 3, 2002

VoiceStream Wireless Corporation
12920 SE 38th St.
Bellevue WA 98006

Filer 499 ID: 822060

Attn: Terrance Perry

RE: August 1, 2002 Form 499-Q Revision Rejection

The Universal Service Administrative Company (USAC) has completed a review of the Revised FCC Form 499-Q that you submitted for the purpose of revising revenue reported by VoiceStream Wireless Corporation for the period April 1 - June 30, 2002. Please note that your April 1, 2003 Form 499-A submission reporting January 1 through December 31, 2002 revenue will true-up your company's May 1, 2002, August 1, 2002, November 1, 2002 and February 1, 2003 quarterly Form 499-Q reports. However, based on the information provided, we are unable to accept the Form 499-Q revision because it was not filed prior to the October 31, 2002 revision deadline. Per FCC Form 499-Q instructions on page 8, "revised filings must be made by the filing date for the subsequent 499 filing."

USAC recognizes that you may disagree with our decision. **If you wish to file an appeal, your appeal must be received no later than 60 days after the date of this letter.**

In the event that you choose to appeal the decision, you should follow these guidelines:

- Write a "Letter of Appeal to USAC" explaining why you disagree with this Revised Form 499-Q Rejection letter and identify the outcome that you request;
- Mail your letter to:
Letter of Appeal
USAC
2120 L Street, NW, Suite 600
Washington, DC 20037
- Appeals submitted by fax, telephone call, and e-mail **will not** be processed.

COPY

- Provide necessary contact information. Please list the name, address, telephone number, fax number, and e-mail address (if available) of the person who can most *readily discuss this appeal with USAC.*
- Identify the "Legal Reporting Name" and "Filer 499 ID."
- Explain the appeal to the USAC. Please provide documentation to support your appeal.
- Attach a photocopy of this Revised Form 499-Q Rejection decision that you are appealing.

USAC will review all "letters of appeal" and respond in writing within 90 days of receipt thereof.

The response will indicate whether USAC:

- (1) agrees with your letter of appeal, and approves an outcome that is different from the Revised Form 499-Q Rejection Letter; or
- (2) disagrees with your letter of appeal, and the reasons therefor.

If you disagree with the USAC response to your "letter of appeal," you may file an appeal with the FCC within 60 days of the date USAC issued its decision in response to your "Letter of Appeal." The FCC address where you may direct your appeal is:

Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-A325
Washington, DC 20554

Please be sure to indicate the following information on all communications with the FCC:
"Docket Nos. 96-45 and 97-21."

In the alternative, you may write and send an appeal letter directly to the Federal Communications Commission (FCC), and bypass USAC. Your letter of appeal to the FCC must explain why you disagree with the USAC decision. You are also encouraged to submit any documentation that supports your appeal. The FCC rules governing the appeals process (Part 54 of Title 47 of the Code of Federal Regulations 54.719 – 54.725) are available on the FCC web site (www.fcc.gov).

If you have questions or concerns regarding this letter, please contact Lisa Tubbs at (973) 884-8116 or Christy Doleshal at (973) 560-4428.

Sincerely,

USAC



T-Mobile USA, Inc.
12920 SE 38th Street, Bellevue, WA 98006

December 12, 2002

COPY

Letter of Appeal
Universal Service Administrative Company
2120 L Street, NW, Suite 600
Washington D.C. 20037

RE: T-Mobile USA, Inc.
August 1, 2002 Form 499-Q Revision Rejection
Filer 499 ID: 822060

To Whom It May Concern:

T-Mobile USA, Inc. respectfully disagrees with the Rejection of its 2nd Quarter 2002 Form 499-Q and wishes to appeal this decision.

The 2nd Quarter 2002 499-Q was postmarked on October 31, 2002. Per the filing instructions on page 9, "revised filings must be made by the filing date for the subsequent 499 filing." The filing date for the 3rd quarter 499-Q was November 1, 2002. Since the revision was postmarked on October 31, 2002 it was filed timely and as such we feel the revision should be accepted.

For your reference you will find a copy of the certified receipt which shows the Postmark date of 10/31/02.

Any questions regarding this appeal can be addressed to myself:

Cassie Delafosse – Supervisor, State and Local Taxation
Telephone Number: 425-378-4797
Fax Number: 425-378-5071
Email: Cassie.Delafosse@T-Mobile.com

Sincerely,

Cassie Delafosse
Supervisor, State and Local Tax
T-Mobile USA, Inc.
Newport Tower
Bellevue, WA 98006
Desk 425-378-4797



Universal Service Administrative Company

Administrator's Decision on Contributor Appeal

April 18, 2003

COPY

BY FEDERAL EXPRESS

Cassie Delafosse
Supervisor, State and Local Tax
T-Mobile USA, Inc.
Newport Tower
Bellevue, WA 98006

Re: T-Mobile USA, Inc.
(ID # 822060)

Dear Ms. Delafosse:

After thorough review, the Universal Service Administrative Company (USAC) has completed its evaluation of the letter of appeal on behalf of T-Mobile USA, Inc. (T-Mobile) dated December 12, 2002 (Appeal). T-Mobile's Appeal requests that USAC accept T-Mobile's late-filed FCC Form 499-Q reporting revenue for the period April 1 – June 30, 2002 (Form 499-Q).

Background:

T-Mobile timely filed an original Form 499-Q reporting revenue for the period April 1 – June 30, 2002. This Form 499-Q was due on August 1, 2002 and had a revision deadline of November 1, 2002. In the Appeal T-Mobile asserts that the form must be postmarked by the revision deadline. FCC regulations governing the deadlines for revisions and the instructions accompanying the form on which the revisions were made state that "revisions are due by next Form 499 filing date". Neither the FCC regulations nor the instructions reference a postmark date. USAC received T-Mobile's revised Form 499-Q on November 5, 2002, after the revision deadline. As directed by FCC regulation, USAC relied upon the revenue reported on the original and timely filed Form 499-Q to calculate T-Mobile's charges for October, November, and December 2002. However, because T-Mobile's revised Form 499-Q was received after the deadline, USAC rejected the form.

Cassie Delafosse
T-Mobile USA, Inc.
April 18, 2003
Page 2

COPY

Discussion:

The Form 499-Q at issue was due on August 1, 2002. Any revisions to that Form 499-Q were due by November 1, 2002, the filing deadline of the subsequent Form 499. USAC received T-Mobile's revised Form 499-Q on November 5, 2002 after the deadline. The deadline for form revisions is clearly stated in the instructions for the Form 499-Q on which the attempted revision was submitted and on the Form 499-Q itself. In addition, information concerning the deadline is posted on USAC's website: www.universalservice.org. USAC rejected the Form 499-Q consistent with its policy. Because T-Mobile's Form 499-Q was untimely filed, the Appeal must be denied.

Remedy:

Although T-Mobile's revised Form 499-Q was untimely filed, requiring denial of this Appeal, T-Mobile is not without a remedy in this situation. T-Mobile is required to file FCC Form 499-A (Form 499-A) reporting 2002 annual revenue. As provided in the FCC's *Quarterly Reporting Order*,¹ annual revenue information from the Form 499-A will be used to ensure that contributions for the entire year are based on all subject revenues for the year. This provides T-Mobile with an opportunity to correct the charges that are calculated and based on USAC's estimate of revenue. The Form 499-A, with a due date of April 1, 2003, will affect a true-up for the 2nd quarter 2002.

Decision on Appeal: Denied.

USAC hereby denies T-Mobile's Appeal.

If you disagree with the USAC response to your Letter of Appeal, you may file an appeal with the Federal Communications Commission (FCC) within 60 days of the date of this letter. The FCC address where you may direct your appeal is:

Federal Communications Commission
Office of the Secretary
445 12th Street, SW
Room TW-A325
Washington, DC 20554

¹ See *Federal-State Joint Board on Universal Service*, CC Docket No. 96-45, Report and Order and Order on Reconsideration, 16 FCC Rcd 5748 (rel. Mar. 14, 2001) (*Quarterly Reporting Order*).

Cassie Delafosse
T-Mobile USA, Inc.
April 18, 2003
Page 3

COPY

Please be sure to indicate the following information on all communications with the FCC:
"Docket Nos. 96-45 and 97-21."

Sincerely,

USAC

Universal Service Administrative Company

cc: Anita Cheng, FCC
James Shook, FCC